

ORDINANCE NO. 2014-01

**AN ORDINANCE OF THE VILLAGE COMMISSION OF
THE VILLAGE OF BISCAYNE PARK, FLORIDA
AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE
III, ENTITLED, "COMMISSIONS, BOARDS AND
COMMITTEES"; AMENDING EXISTING SECTION 2-30
OF THE CODE OF ORDINANCES OF THE VILLAGE OF
BISCAYNE PARK, ENTITLED, "GENERAL RULES AND
POLICIES"; CREATING NEW SECTION 2-36 OF THE
CODE OF ORDINANCES OF THE VILLAGE OF
BISCAYNE PARK, ENTITLED "PUBLIC ART
ADVISORY BOARD"; PROVIDING FOR CONFLICTS;
PROVIDING FOR CODIFICATION; PROVIDING FOR
SEVERABILITY; PROVIDING FOR AN EFFECTIVE
DATE**

WHEREAS, the Village Commission has created several boards and committees to provide the Commission with assistance in fulfilling the needs of the Village; and

WHEREAS, in order to provide guidance to those boards and committees, the Village Commission, by and through Ordinance 2010-2, established general rules and policies and codified the boards and committees that already existed in a consistent and readily accessible manner;

WHEREAS, since the adoption of Ordinance 2010-2, the Village has expressed an interest in public art and, therefore, it has become necessary to create a Public Art Advisory Board; and

WHEREAS, staff has reviewed the existing Code and has recommended revisions; and

WHEREAS, the Village Commission deems it to be in the best interests of the Village to revise the Code consistent with staff's review;

**NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COMMISSION OF
THE VILLAGE OF BISCAYNE PARK, FLORIDA:**

Section 1. The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

Section 2. Section 2-30 of the Code of Ordinances of the Village of Biscayne Park, entitled "General Rules and Policies", is hereby amended to read as follows:

1 **Sec. 2-30. General rules and policies.**

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3 (a) *Application of article; definitions; authority to appoint.*

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5 * * * *

6 (2) *Application.* The provisions of this section shall apply to all appointive boards
7 and committees of the village established under this article, except as otherwise
8 provided in this Code.

9
10 (3) *Definitions.* The following words, terms and phrases, when used in this article,
11 shall have the meanings ascribed to them in this subsection, except where the
12 context clearly indicates a different meaning:

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14 *Board or committee* for purposes of this ~~ordinance~~ article includes every agency,
15 authority, advisory board, regulatory board, quasi-judicial board, semi-
16 autonomous instrumentality, committee, council, task force or any other citizens'
17 group established under this article ~~created~~ and funded in whole or in part by the
18 village commission ~~except for the Code Enforcement Board~~. Except as otherwise
19 provided herein, or in the village Charter, village boards and citizens' advisory
20 groups shall only be created by action of the village commission, and only the
21 village commission, as a body, shall appoint the members to such boards or
22 committees.

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25
26 (b) *Qualifications and appointment of members.*

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28 (1) *Manner of appointment.* Any person appointed to any board or committee of the
29 village shall be appointed by the village commission in the following manner:

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31 a. Unless otherwise agreed by the commission, each board or committee established
32 under this article will consist of five (5) members that shall be appointed by the
33 village commission by a simple majority vote, and each commissioner shall
34 ~~appoint one (1) member to each board or committee. Commissioner~~
35 ~~appointments are automatically accepted unless the appointed individual is not in~~
36 ~~compliance with eligibility requirements for appointment or there is a conflict of~~
37 ~~interest as determined by the commission.~~ The village commission may appoint
38 alternates for any board or committee as it deems necessary.

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40 * * * *

41 b. The Village Clerk shall notify the village commission, in writing, of upcoming
42 vacancies on the boards or committees. The village clerk shall also post such
43 vacancies on the village's web page and outside village hall. ~~The commissioner~~
44 ~~or successor commissioner who appointed that individual will make the~~
45 ~~appointment.~~

- e. The village manager shall designate a staff liaison to each board established under this article. If a vacancy on any board or committee that is subject to individual appointment by a member of the commission remains unfilled for more than eighty (80) days, it may thereafter be filled by action of the commission as a whole.

* * * *

(c) *Terms of members.* The terms of office of the members of each board and committee shall be up for reappointment yearly at the regular March village commission meeting. ~~The nominating commissioner can continue the term of the commissioner's current appointment or appoint a new member. If no action is taken by the commissioner or the commission, the board or committee member shall continue to serve. New commissioners will also be able to continue the term of a previous commissioner or appoint a new member.~~

* * * *

- (e) *Chairperson; bylaws; meetings.*

* * * *

- (3) *Quorum; exceptions.* A quorum for all boards/committees' meetings, shall consist of ~~fifty (50) percent plus one (1)~~ the majority of the board's total membership. The decision of a majority of the board or committee members present and voting at a meeting at which a quorum is present shall be the decision of the board or committee.

Section 3. Section 2-36 of the Code of Ordinances of the Village of Biscayne Park, entitled "Public Art Advisory Board", is hereby created to read as follows:

Sec. 2-36. Public art advisory board.

- (a) *Board created.* The public art advisory board shall consist of five (5) members.
- (b) *Authorization for consultant or support services.* The board shall act as an advisory board to the commission and all consultant or support services to be furnished to the board must be requested from and approved by the village commission or their designee prior to the services being secured.
- (c) *Qualification of members.* The candidate's profession, degrees, training and interest in visual arts, art history, design or related fields shall be taken into consideration by the commission when appointing members.
- (d) *Duties and responsibilities.* The board's duties and responsibilities shall be as follows:

1. To act in the public interest of the village by advising the commission on general policies regarding visual arts in the village.
2. To make recommendations to the commission regarding the selection, placement and maintenance of loaned, donated or acquired works of art for village property.
3. To provide the commission with information regarding funding and grant sources for public art activities and objects.
4. To enlist and encourage public support.
5. Seek to improve the visual quality of public spaces.

Section 4. **Conflicts.** That all Ordinances or parts of Ordinances, Resolutions or parts thereof in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

Section 5. **Severability.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

(Remainder of this page left blank intentionally)

Section 6. **Effective Date.** This Ordinance shall be effective upon adoption on second reading.

The foregoing Ordinance was offered by Commissioner Anderson, who moved its adoption. The motion was seconded by Commissioner Ross and upon being put to a vote, the vote was as follows:

PASSED AND ADOPTED upon first reading this 4th day of February, 2014.

PASSED AND ADOPTED upon second reading this 4th day of March, 2014.

The foregoing ordinance upon being put to a vote, the vote was as follows:



David Coviello, Mayor

Mayor Coviello: Yes
Vice Mayor Watts: Yes
Commissioner Anderson: Yes
Commissioner Jonas: Yes
Commissioner Ross: Yes

Attest:



Maria C. Camara, Village Clerk

Approved as to form:



John J. Hearn, Village Attorney